

BILL NO. G-86-08-20 (amended)(amended)(amended)
GENERAL ORDINANCE NO. G- 32-86

AN ORDINANCE of the Common Council
of the City of Fort Wayne, Indiana,
amending the Animal Control Ordinance
of the City's Municipal Code.

WHEREAS, the City is desirous of amending its Animal
Control Ordinance; and

WHEREAS, such amendments will be of a benefit and improve-
ment to Animal Control in the City of Fort Wayne.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Article I of the Animal Control Ordinance
entitled "Definitions" is hereby amended as follows:

Section 6-1. TERMS DEFINED.

The following definitions are added:

DEPARTMENT OF ANIMAL CONTROL/DEPARTMENT: The
municipally owned facility established for the
purpose of animal control, care and disposition,
as set forth in this chapter, operated by and
under the direct supervision of the Director of
the Division of Public Safety and the Shelter
Manager.

DIRECTOR: The Director of the Division of Public
Safety for the City of Fort Wayne.

SHELTER MANAGER: The Shelter Manager for the
Fort Wayne Department of Animal Control.

The following definition replaces the old:

ANIMAL CONTROL COMMISSION: The Animal Control
Commission shall be an advisory commission with
regard to policy and fiscal decisions affecting the
Department of Animal Control.

The following definitions are to be deleted:

ANIMAL CONTROL SHELTER: The municipally owned
facility established for the purpose of animal
control, care and disposition, as set forth in
this chapter, operated by and under the direct
supervision of the Fort Wayne Animal Control Com-
mission and the Executive Director of the Shelter.

VICIOUS ANIMAL: Any animal that has, without
provocation, attacked a human being.

1 Page Two

2 SECTION 2. Article II, presently entitled "Fort Wayne
3 Animal Control Commission" shall be deleted and replaced by the
4 following:

5 NEW:

6 ARTICLE II. DIRECTOR OF THE DIVISION OF PUBLIC SAFETY/
7 ANIMAL CONTROL COMMISSION.

8 Section 6-2. Organization.

9 (1) AUTHORITY: The Department of Animal Control
10 shall be operated by the Director through the
11 Shelter Manager.

12 (2) RELATIONSHIP; COMPOSITION; TERMS: The Director will
13 be advised on matters of policy and fiscal decisions by a
14 voting five (5) member board, so named the Fort Wayne
15 Animal Control Commission. The commission members
16 shall be appointed to serve a three-year term,
17 terms to be staggered. No limit shall be set
18 on numbers of terms a commissioner can serve,
19 all members to serve without compensation.

20 (a) Three (3) of the commission members
21 shall be appointed by the mayor. The two
22 (2) remaining members of the commission shall
23 be appointed by the city council.

24 (b) At the outset, the mayor shall appoint
25 one (1) person to serve two (2) years, and
26 one (1) person to serve three (3) years.
27 The city council shall appoint one (1) person
28 to serve two (2) years, and one (1) person
29 to serve three (3) years.

30 (c) This selection shall not be based on
31 political affiliations, but on interest in
32 animal care and control and knowledge of
same.

(2) ORGANIZATIONAL MEETING:

(a) The first meeting of the commission shall
be convened by the Shelter Manager.

(b) The commission shall elect a chairman,
vice-chairman, and a secretary from among
its members.

(3) MEETINGS, RULES AND REGULATIONS: The commission
shall meet at least once each month, or upon special
call by the chairman, or upon the written request
to the chairman by any three (3) members. It
shall adopt rules and regulations as may be necessary
or appropriate in its judgment to carry out the
provisions of the ordinance and laws under which
it exists and performs its functions.

(4) QUORUM: Three (3) members of the animal control commission shall constitute a quorum to do business.

(5) VACANCIES: In the case of a vacancy in office due to death, resignation, incapacity, removal or otherwise, the appointment to fill the vacancy so occurring shall be made by the original appointing body for the unexpired term only and shall be subject to the provisions stated in Section 6-2(2). (Ord. No. G-14-81, 9-22-81).

Section 6-3. DUTIES AND POWERS/DIRECTOR.

The duties and powers of the Director are as follows:

(1) To cause to be enforced all city ordinances and/or state laws regarding animal care and control.

(2) To maintain and operate the Department of Animal Control's shelter or shelters which have been designated for the humane sheltering or protection and disposition of animals coming into its custody.

(3) To purchase all necessary materials for the proper and efficient performance of the services and work required of the shelter, consistent with the city's duly established purchasing procedures.

(4) To cause to be picked up and transported to the Department of Animal Control all unwanted animals, all animals illegally at large, and all sick, diseased, injured, lost, strayed, stolen or abandoned animals. Those animals whose owners request may be promptly euthanized at said shelter. In addition, any animal which appears to be ill and would pose a health hazard to other animals, or any animal which is injured so that it cannot rest comfortably for a minimum of three (3) working days may be destroyed immediately as so authorized by the Shelter Manager or his/her authorized agent. All other animals shall be kept at said shelter or place designated by said shelter for a period of not less than three (3) working days to afford owners the opportunity to claim the animal. After such period of time, unclaimed animals shall be placed in a suitable home, retained at said shelter or euthanized. Animals released to said shelter by their owners, or impounded animals not claimed within the legal time become the property of said shelter and disposition may be made at said shelter's discretion.

(5) To cause to be picked up and disposed of all dead animals found in or on any street or sidewalk, alley or other public place in the city.

(6) To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the city. To cause to be impounded at the Department of Animal Control or suitable places designated by the Department of Animal Control all animals found in conditions adverse to their health and safety. Such impoundment or placement shall be in accordance with the provisions of Article VIII, Section 6-22.

(7) To enter into contract with any municipalities or governmental units or any person, association or corporation for the collection, transportation, sheltering and disposal by said shelter for sick, diseased, injured, illegally at large, lost, strayed or abandoned animals provided that no such services be extended by said shelter outside the city, except under written contract with the unit, person, association or corporation concerned and at a charge based upon the actual cost of such services, including overhead; provided that no such contract shall be effective except upon the approval of the city attorney or a duly designated associate, as to form and legality, the approval of the mayor, and the ratification by city council.

(8) To employ all personnel necessary for the efficient performance of the duties required of said shelter.

(9) To prepare and submit after review and comments of the Animal Control Commission to city council through the city controller, an annual budget, for its financing of its operations and performance of its duties.

(10) To submit to the mayor, and to the city council, no later than January 30 of each year, a report of its activities and operation for the prior year.

(11) To establish reasonable fees to be charged to persons reclaiming and adopting animals, and to collect such fees, such fees to be adopted only after approval by Director and submission to the mayor and city council for approval and adoption.

(12) To provide that all dogs and/or cats released for adoption shall be spayed or neutered and provisions made for a program to monitor said spay/neuter plan. (Ord. No. G-14-81, 9-22-81).

SECTION 3. Article III entitled "Animal Care Regulations" shall be amended as follows:

Section 6-4. ENUMERATED.

The following replaces the old language.

(10) CRUELTY. No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal except that reasonable force may be employed to drive off vicious or trespassing animals.

(19) VICIOUS ANIMALS PROHIBITED. No person shall own, keep, or harbor a vicious animal within the city of Fort Wayne; provided, this section shall not apply to animals under the control of a law enforcement or military agency. For the purpose of this chapter, an animal may be declared vicious by the Shelter Manager if the following facts or criteria are met:

(a) The animal, while running at large, has bitten a person or persons and the bite and attack was unprovoked, or that the animal exhibits vicious propensities in present or past conduct, including but not limited to conduct such that the animal (i) has bitten a person or persons in a consecutive twelve (12) month period three (3) times; or (ii) did bite or attack once causing wounds or injuries creating a potential danger to the health and life of the victim; or (iii) could not be controlled or restrained at the time of bite or attack to prevent the occurrence; and

(b) That in order to preserve the public health, safety, and welfare of the community the destruction of said animal is necessary;

Whenever an animal is declared vicious, the Shelter Manager shall notify the owner of said animal of the declaration. Such notice shall be served either in person or by certified or registered mail. The animal, if not already held in quarantine at the Department of Animal Control shall be surrendered to the Shelter Manager. Within ten (10) days from the date of receipt of such notification the owner must appeal the declaration to the Shelter Manager or said animal will be humanely destroyed by the Department of Animal Control at the owner's expense. The owner may also release the animal to the Shelter at any time during this ten (10) day period.

Any decision of the Shelter Manager under the provisions of these sections may be appealed to the Director who shall hear and render a decision in this matter. Such appeal by the owner to the Director shall be filed with the Shelter Manager within ten (10) days after receipt of notification from the Shelter Manager that said animal shall be destroyed. The disposition of any animal shall be stayed during the pendency of such appeal. The animal shall remain at the Department of Animal Control during the appeal process. The decision of the Director shall be final and binding upon the city and upon the appellant, and his decision may be appealed as provided by law. The Director shall review the information provided by both the Shelter Manager and the owner of said animal and render a decision to the effect that (1) the animal is not vicious, or (2) the animal is vicious and should be destroyed.

Page Six

The owner of any animal which is impounded and destroyed under this section shall be held responsible for payment of any expenses incurred by the Shelter Manager for the impoundment and destruction, and failure to pay such fee to the Shelter Manager within fifteen (15) days after destruction of such animal shall constitute a violation of the chapter.

SECTION 4. Article IV entitled "Biting Animals" shall amended as follows:

The following replaces the old language:

Section 6-6. BITING ANIMALS TO BE REPORTED: NOT TO BE DESTROYED; EXCEPTION.

(1) The person responsible for any animal which has bitten a person or another animal must report the incident to the Department of Animal Control. Upon receiving the report of a bite, the shelter will quarantine the animal for ten (10) days with the place of confinement to be in the discretion of the Department of Animal Control. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.

(2) During the quarantine period, the owner must provide a current rabies vaccination certificate for his or her cat or dog that is being quarantined. If proof of vaccination cannot be supplied, the animal will be vaccinated by a veterinarian at the owner's expense before release.

(3) No person other than an animal control officer or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self-protection. If that occurs, the person will retain the body and immediately notify the Department of Animal Control. (Ord. No. G-14-81, 9-22-81).

SECTION 5. Article V entitled "Registration and Permits" is hereby amended as follows:

Section 6-13. PET SHOP PERMIT.

The following replaces the old language in (3) and (6), respectively.

(3) The pet shop permit holder shall be further required to register with the Department of Animal Control the name, address, and telephone number of each buyer or new owner of any dog or cat transferred within five (5) days after the sale or transfer.

(6) No puppy or kitten under the age of eight (8) week may be offered for sale, trade or other compensation, or for free giveaway (except a puppy, or kitten or litter or litters taken to the Department of Animal Control (Ord. No. G-14-81, 9-22-81; Ord. No. G-21-83, \$7, 7-26-83; Ord. No. S-208-85, \$1, 11-12-85)).

Section 6-16. ANIMAL CONTROL SHELTER; ANIMAL WELFARE ORGANIZATION.

The following is the new Section 6-16:

SECTION 6-16. DEPARTMENT OF ANIMAL CONTROL; ANIMAL WELFARE ORGANIZATION.

No permit shall be required, of the Department of Animal Control or animal welfare organization; however, all other provisions of this chapter shall apply. (Ord. No. G-14-81, 9-22-81).

SECTION 6. Article VI entitled "Registration and Permit Applications; Inspections; Fees" is amended as follows:

The following language replaces the old Sec. 6-17:

Section 6-17. APPLICATION; TERM.

(1) Application for registrations or permits may be made at the Department of Animal Control or designated facility, or by mail, and shall include name, address of applicant, type of permit applied for, number and description of animal(s), number and description of animal(s), proof of rabies vaccination, information regarding sterilization and appropriate fee.

(2) Registration and permits are to be issued for a term of one year, commencing with the date of issuance.

(3) Upon issuance, Department of Animal Control shall issue a registration or permit in written form which includes number of registration or permit, type of registration or permit, and all pertinent information. In addition, the Department of Animal Control shall issue a durable tag stamped with registration number and year of issuance for each pertinent registration.

(4) The Department of Animal Control shall maintain records of the identifying registration/permit number.

(5) All fees shall be paid at time of application, and prior to the issuance of the permit or registration.

(6) It shall be unlawful for any owner of any dog or cat to fail to provide any dog or cat over the age of six (6) months with current pet registration as provided in this section of the Code. The owner of any dog or cat, which dog or cat is over the age of six (6) months, must also have in his possession a current rabies vaccination tag showing that such animal has been vaccinated against rabies as otherwise provided in section 6-1. No permit shall be issued unless proof of vaccination against rabies is shown at the time of application for the permit. Any owner of such animal who moves into the city for purposes of establishing a residence or residing or who becomes a resident as result of annexation shall have thirty (30) days in which to obtain the permit required by this chapter. (Ord. No. G-14-81, 9-22-81; Ord. No. G-21-83, 9, 7-26-83).

The following language replaces old subsections 2, 3, 4, 6 and 7.

Section 6-19. FEES.

(2) KENNEL/CATTERY PERMIT:

4-15 dogs	\$ 50.00
4-15 cats	50.00
16-25 dogs	75.00
16-25 cats	75.00
26 or more dogs	100.00
26 or more cats	100.00

Permit will be issued after inspection approved by the Department of Animal Control.

(3) GROOMING SHOP PERMIT:

Fee \$ 50.00

Permit will be issued after inspection approved by the Department of Animal Control.

(4) MAJOR BREEDER'S PERMIT:

Fee \$100.00

Plus any applicable kennel/cattery permit fee. Permit will be issued after inspection approved by the Department of Animal Control provided all requirements of this chapter are met.

(6) PET SHOP PERMIT:

Fee \$100.00

Permit will be issued after inspection approved by the Department of Animal Control.

(7) CIRCUS, ANIMAL CONCESSION, AND ANIMAL EXHIBITS PERMITS:

(New (b)

(b) Permit will be issued after inspeciton approved by the Department of Animal Control provided all requirements of this chapter are met.

The following language replaces old Section 6-20:

(1) Any person who is denied a permit or whose permit is revoked may appeal the denial or revocation to the Director within sixty (60) days of the date of the denial or revocation of the permit.

(2) All requests for appeals must be in writing and addressed to the Director; whereupon, the Director shall set the appeal for hearing within forty-five (45) days of the receipt of the written request. (Ord. No. G-14-81, 9-22-81).

1 Page Nine

2 SECTION 7. Article VII entitled "Penalties; Violations"
3 is amended as follows:

4 Section 6-21. ENUMERATED.

5 Change (3) and (4) to read as follows:

6 (3) In the event that an animal is retained at the
7 Department of Animal Control because its owner has
8 been in violation of this chapter, the person redeeming
9 the animal by paying the prescribed fees shall also
10 be subject to paying for medical bills incurred for
11 routine shots for animals at the Department.

(4) Violators, upon conviction, may be given the oppor-
tunity to work at the Department of Animal Control
and/or participate in a humane education program if
so recommended by the court.

12 SECTION 8. Article VIII entitled "Impoundment; Redemption"
13 the content of Section 6-22 is replaced by the following:

14 Section 6-22. GROUNDS FOR AND CONDITIONS OF IMPOUNDMENT.

15 (1) Animals found in cruel, abusive or neglectful
16 situations as defined in this chapter or animals that
17 have been abandoned may be promptly impounded if no
18 immediate contact with a responsible person can be
made; provided, however, that the animal control officer
shall leave written notice saying the location of the
animal and the reason for impoundment.

19 (2) Animals so removed will be impounded and held
20 at the Department of Animal Control or designated facility
21 until such time violator is in compliance with this
22 chapter; provided, however, that in no event shall
23 this period exceed ten (10) days, at which time the
24 animal shall become the property of the Department
25 of Animal Control, unless an extension is necessary
26 for the animal control officer to have ample time to
27 prepare a court case if prosecutions is warranted. In
28 the case of animals impounded for quarantine at the
29 Department of Animal Control, the animal will become
30 the property of the Department if not claimed by closing
31 time of the Department on the eleventh (11) day of
32 the quarantine.

(3) Animals impounded for reasons beyond the control
of the owner, such as but not limited to house fire,
death of owner, or arrest of the owner, will be held
for ten (10) days during which time a reasonable effort
will be made to contact the owner and/or their represen-
tative. After the tenth day of impoundment, the animals
will become the property of the Department of Animal
Control.

(4) Animals awaiting disposition by the courts shall
remain in the custody of the Department of Animal Control
unless such disposition is made or placed in a foster
home until legal arrangements have been completed.

Page Ten

(5) Animals so removed may be transported to a licensed veterinarian for examination and/or treatment. If, in the opinion of said veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner/agent. (Ord. No. G-14-81, 9-22-81).

Section 6-23. REDEMPTION.

(1) A person may reclaim an animal in the custody of the Department of Animal Control upon providing the following:

(a) Proof of ownership, and

(b) Payment of redemption fee and any other service/medical fees, as approved by the Director.

(2) Stray or at large animals will be held three (3) working days at the Department of Animal Control, pursuant to section 6-3(4).

(3) Unclaimed animals become the property of the Department of Animal Control and may be placed for adoption or humanely euthanized, pursuant to section 6-3(4).

SECTION 9. Article IX entitled "Monies" is amended as follows by replacing the old language:

Section 6-24. DISPOSITION OF MONIES. All monies generated or collected by virtue of the provisions of this chapter are to be set aside and placed in the general fund.

SECTION 10. Article X 1/2 entitled "Public Spay and Neuter Clinic" is amended by replacing the old (c) with the following:

Section 6-29. GENERALLY.

New (c):

(c) BOARD AND CARE CHARGE. The animal control commission shall establish a return date by which persons submitting animals for the above operation shall pick up said animals or be subject to a reasonable board and care fee to commence the day after such return date.

Failure to pick up an animal within seventy-two (72) hours of said return date shall be deemed abandonment of such animal and the shelter manager may dispose of it by placement or destruction. (Ord. No. G-19-82, \$1, 8-24-82; Ord. No. G-06-86, \$2, 2-11-86).

Page Eleven

SECTION 1. Article XI entitled "Destruction of Animals" is amended as follows:

Section 6-45. SUBSTANCES PERMITTED FOR USE.

New language:

The Department of Animal Control, other animal shelters, and/or public animal facilities which destroy animals in the City of Fort Wayne, Indiana, shall use only sodium pentobarbital or a derivative substances for said purpose. (Ord. No. G-17-77, §1, 5-24-77; Ord. No. G-21-83, §10, 7-26-83).

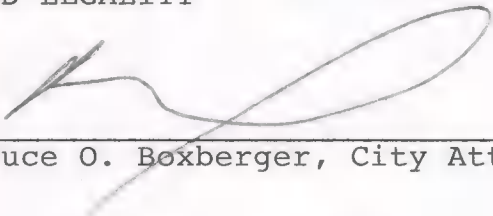
Delete Section 6-48, Section 6-49, and Section 6-52.

Renumber: Section 6-50 now becomes Section 6-48; Section 6-51 now becomes Section 6-49; and Section 6-53 now becomes Section 6-50.

SECTION 12. That this Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.


Councilmember

APPROVED AS TO FORM
AND LEGALITY


Bruce O. Boxberger, City Attorney

Read the first time in full and on motion by Eastrik
seconded by Redd, and duly adopted, read the second time
by title and referred to the Committee Regulation (and the Cit
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayn
Indiana, on _____, the _____ day of _____
_____, 19_____, at _____ o'clock _____ .M., E.

DATE: 8-12-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eastrik
seconded by Redd, and duly adopted, placed on its
passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 8-26-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) (GENERAL)

(SPECIAL) ~~(ZONING MAP)~~ ORDINANCE (RESOLUTION) NO. D-32-86
on the 26th day of August, 1986,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 27th day of August, 1986,
at the hour of 11:00 o'clock PM .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of August,
1986, at the hour of 2:00 o'clock P .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

ORIGINAL

BILL NO. G-86-08-20 (amended) (amended) (amended)

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NEW:

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ANIMAL CONTROL COMMISSION.

Section 6-2. Organization.

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(2) RELATIONSHIP; COMPOSITION; TERMS: The Director will be advised on matters of policy by a voting five (5) member board, so named the Fort Wayne Animal Control Commission. The commission members shall be appointed to serve a three-year term, terms to be staggered. No limit shall be set on numbers of terms a commissioner can serve, all members to serve without compensation.

(a) Three (3) of the commission members shall be appointed by the mayor. The two (2) remaining members of the commission shall be appointed by the city council.

(b) At the outset, the mayor shall appoint one (1) person to serve two (2) years, and one (1) person to serve three (3) years. The city council shall appoint one (1) person to serve two (2) years, and one (1) person to serve three (3) years.

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(8) To employ all personnel necessary for the efficient performance of the duties required of said shelter.

(9) To prepare and submit ^{after review and comments of the Animal Control Commission} to city council through the city controller, an annual budget, for its financing of its operations and performance of its duties.

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The following replaces the old language.

after review and comments of the Animal Control Commission

BILL NO. G-86-08-20

Hold for Aug 26

REPORT OF THE COMMITTEE ON REGULATIONS

As Amended³

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) of the Common Council
of the City of Fort Wayne, Indiana, amending the Animal Control
Ordinance of the City's Municipal Code

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)
(~~RESOLUTION~~)

YES

COMMITTEE OF THE WHOLE

NO

Ben A. Eisbart
Ben A. Eisbart

BEN A. EISBART
CHAIRMAN

Janet G. Bradbury

JANET G. BRADBURY
VICE CHAIRWOMAN

Donald J. Schmidt

DONALD J. SCHMIDT

Thomas C. Henry

THOMAS C. HENRY

Charles B. Redd
Samuel J. Delaney
CONCURRED IN

CHARLES B. REDD

SANDRA E. KENNEDY
CITY CLERK



The City of Fort Wayne

September 4, 1986

Ms. Cynthia Wilkins
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Wilkins:

Please give the attached full coverage on the dates of
September 8 and 15, 1986, in both the News Sentinel and
Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-86-08-20 (as amended)
(as amended) (as amended)
General Ordinance No. G-32-86

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

Thank you.

Sincerely yours,

Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 26th day of
August, 19 86, the Common Council of the City
of Fort Wayne, Indiana, in a Regular Session did pass
the following Bill No. G-86-08-20 (as amended) (as amended) (as amended)

General Ordinance No. G-32-86 to-wit:

1 BILL NO. G-86-08-20 (as amended) (as amended) (as amended)

2 GENERAL ORDINANCE NO. G-32-86

3 AN ORDINANCE of the Common Council
4 of the City of Fort Wayne, Indiana,
5 amending the Animal Control Ordinance
6 of the City's Municipal Code.

7 WHEREAS, the City is desirous of amending its Animal
8 Control Ordinance; and

9 WHEREAS, such amendments will be of a benefit and improve-
10 ment to Animal Control in the City of Fort Wayne.

11 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL
12 OF THE CITY OF FORT WAYNE, INDIANA:

13 SECTION 1. Article I of the Animal Control Ordinance
14 entitled "Definitions" is hereby amended as follows:

15 Section 6-1. TERMS DEFINED.

16 The following definitions are added:

17 DEPARTMENT OF ANIMAL CONTROL/DEPARTMENT: The
18 municipally owned facility established for the
19 purpose of animal control, care and disposition,
20 as set forth in this chapter, operated by and
21 under the direct supervision of the Director of
22 the Division of Public Safety and the Shelter
23 Manager.

24 DIRECTOR: The Director of the Division of Public
25 Safety for the City of Fort Wayne.

26 SHELTER MANAGER: The Shelter Manager for the
27 Fort Wayne Department of Animal Control.

28 The following definition replaces the old:

ANIMAL CONTROL COMMISSION: The Animal Control
Commission shall be an advisory commission with
regard to policy and fiscal decisions affecting the
Department of Animal Control.

The following definitions are to be deleted:

ANIMAL CONTROL SHELTER: The municipally owned
facility established for the purpose of animal

Page Eleven

SECTION 1. Article XI entitled "Destruction of Animals" is amended as follows:

Section 6-45. SUBSTANCES PERMITTED FOR USE.

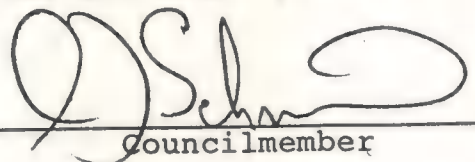
New language:

The Department of Animal Control, other animal shelters, and/or public animal facilities which destroy animals in the City of Fort Wayne, Indiana, shall use only sodium pentobarbital or a derivative substances for said purpose. (Ord. No. G-17-77, \$1, 5-24-77; Ord. No. G-21-83, \$10, 7-26-83).

Delete Section 6-48, Section 6-49, and Section 6-52.

Renumber: Section 6-50 now becomes Section 6-48; Section 6-51 now becomes Section 6-49; and Section 6-53 now becomes Section 6-50.

SECTION 12. That this Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.



Councilmember

Donald J. Schmidt

Read the third time in full and on motion by Eisbart, seconded, by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, GiaQuinta, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

ABSENT: None

DATE: 8-26-86

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-32-86 on the 26th day of August, 1986.

ATTEST:

(SEAL)

Sandra E. Kennedy
City Clerk

Samuel J. Talarico
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 27th day of August, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To JOURNAL-GAZETTE Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

1

Body number of lines

550

Tail number of lines

1

Total number of lines in notice

552

COMPUTATION OF CHARGES

552 lines, 1 columns wide equals 552 equivalent lines at .450¢ \$ 248.40
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two) 2 extra 1.00

TOTAL AMOUNT OF CLAIM \$ 249.40

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Sept. 15, 19 86

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose

that he/she is CLERK of the

JOURNAL-GAZETTE

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for two times the dates of publication being as follows:

9/9 - 9/15/86

Subscribed and sworn to me before this 15th day of September 19 86

Shelley R. LaRue Notary Public

My commission expires March 3, 1990

with muscular

national

s, a poverty-stricken Central nation that borders Nicaragua is as near to being a puppet S. money and muscle can make as did refuse, however, to allow y to be used for the training of n contras by U.S. military men. reasonable assertion of national y, taken no doubt in fear of being o the U.S.-financed war in Nica as greeted in Washington with Honduras could be persuaded, is officials said, "with a new f military and economic aid." It ought, in other words, while the s and Zimbabwe were being contemptuous approaches from a may not literally be bullying. the superpowers, the United an interest — not always vital — anything that happens in the as a general obligation to its citi- to affect world events so as to ad defend their interests. The U.S. military bases in the Philip New

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To NEW-SENTINEL Dr.

P.O. BOX 100

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

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COMPUTATION OF CHARGES

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lines, columns wide equals equivalent lines at cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

248.40

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 2

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Rose

Date Sept. 15, 1986

Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Rose

that he/she is CLERK who, being duly sworn, says

NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, two times

which was duly published in said paper for the dates of publication being as follows:

9/9 - 9/15/86

Subscribed and sworn to me before this 15th day of September 1986

Shelley R. LaRue Notary Public

My commission expires March 3, 1990

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185/70 HR14
195/70 HR14
205/70 HR14

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BRAKES \$49.00

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Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set.)

LEGAL NOTICE

Notice is hereby given that on the 26th day of August, 1986, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following No. G-86-08-20 (as amended) (as amended) General Ordinance No. G-32-86 to-wit:

BILL NO. G-86-08-20 (amended) (amended) (amended)

GENERAL ORDINANCE NO. G-32-86

AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, amending the Animal Control Ordinance of the City's Municipal Code.

WHEREAS, the City is desirous of amending its Animal Control Ordinance; and

WHEREAS, such amendments will be of a benefit and improvement to Animal Control in the City of Fort Wayne.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Article I of the Animal Control Ordinance entitled "Definitions" is hereby amended as follows:

Section 6-1. TERMS DEFINED.

The following definitions are added:

DEPARTMENT OF ANIMAL CONTROL/DEPARTMENT: The municipally owned facility established for the purpose of animal control, care and disposition, as set forth in this chapter, operated by and under the direct supervision of the Director of the Division of Public Safety and the Shelter Manager.

DIRECTOR: The Director of the Division of Public Safety for the City of Fort Wayne.

SHELTER MANAGER: The Shelter Manager for the Fort Wayne Department of Animal Control.

The following definition replaces the old:

ANIMAL CONTROL COMMISSION: The Animal Control Commission shall be an advisory commission with regard to policy and fiscal decisions affecting the Department of Animal Control.

The following definitions are to be deleted:

ANIMAL CONTROL SHELTER: The municipally owned facility established for the purpose of animal control, care and disposition, as set forth in this chapter, operated by and under the direct supervision of the Fort Wayne Animal Control Commission and the Executive Director of the Shelter.

VICIOUS ANIMAL: Any animal that has, without provocation, attacked a human being.

SECTION 2. Article II, presently entitled "Fort Wayne Animal Control Commission" shall be deleted and replaced by the following:

NEW:

ARTICLE II. DIRECTOR OF THE DIVISION OF PUBLIC SAFETY/ANIMAL CONTROL COMMISSION.

Section 6-2. Organization.

(1) AUTHORITY: The Department of Animal Control shall be operated by the Director through the Shelter Manager.

(2) RELATIONSHIP: COMPOSITION; TERMS: The Director will be advised on matters of policy and fiscal decisions by a voting five (5) member board, so named the Fort Wayne Animal Control Commission. The commission members shall be appointed to serve a three-year term, terms to be staggered. No limit shall be set on numbers of terms a commissioner can serve, all members to serve without compensation.

(a) Three (3) of the commission members shall be appointed by the mayor. The two (2) remaining members of the commission shall be appointed by the city council.

(b) At the outset, the mayor shall appoint one (1) person to serve two (2) years, and one (1) person to serve three (3) years. The city council shall appoint one (1) person to serve two (2) years, and one (1) person to serve three (3) years.

(c) This selection shall not be based on political affiliations, but on interest in animal care and control and knowledge of same.

(2) ORGANIZATIONAL MEETING:

(a) The first meeting of the commission shall be convened by the Shelter Manager.

(b) The commission shall elect a chairman, vice-chairman, and a secretary from among its members.

(3) MEETINGS, RULES AND REGULATIONS: The commission shall meet at least once each month, or upon special call by the chairman, or upon the written request to the chairman by any three (3) members. It shall adopt rules and regulations as may be necessary or appropriate in its judgment to carry out the provisions of the ordinance and laws under which it exists and performs its functions.

(4) QUORUM: Three (3) members of the animal control commission shall constitute a quorum to do business.

(5) VACANCIES: In the case of a vacancy in office due to death, resignation, incapacity, removal or otherwise, the appointment to fill the vacancy so occurring shall be made by the original appointing body for the unexpired term only and shall be subject to the provisions stated in Section 6-2 (2). (Ord. No. G-14-81, 9-22-81)

Section 6-3. DUTIES AND POWERS/DIRECTOR.

The duties and powers of the Director are as follows:

(1) To cause to be enforced all city ordinances and/or state laws regarding animal care and control.

(2) To maintain and operate the Department of Animal Control's shelter or shelters which have been designated for the humane sheltering or protection and disposition of animals coming into its custody.

(3) To purchase all necessary materials for the proper and efficient performance of the services and work required of the shelter, consistent with the city's duly established purchasing procedures.

(4) To cause to be picked up and transported to the Department of Animal Control all unwanted animals, all animals illegally at large, and all sick, diseased, injured, lost, strayed, stolen or abandoned animals. Those animals whose owners request may be promptly euthanized at said shelter. In addition, any animal which appears to be ill and would pose a health hazard to other animals, or any animal which is injured so that it cannot rest comfortably for a minimum of three (3) working days may be destroyed immediately as so authorized by the Shelter Manager or his/her authorized agent. All other animals shall be kept at said shelter or place designated by said shelter for a period of not less than three (3) working days to afford owners the opportunity to claim the animal. After such period of time, unclaimed animals shall be placed in a suitable home, retained at said shelter or euthanized. Animals

released to said shelter by their owners, or impounded animals not claimed within the legal time become the property of said shelter and disposition may be made at said shelter's discretion.

(5) To cause to be picked up and disposed of all dead animals found in or on any street or sidewalk, alley or other public place in the city.

(6) To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the city. To cause to be impounded at the Department of Animal Control or suitable places designated by the Department of Animal Control all animals found in conditions adverse to their health and safety. Such impoundment or placement shall be in accordance with the provisions of Article VIII, Section 6-22.

(7) To enter into contract with any municipalities or governmental units or any person, association or corporation for the collection, transportation, sheltering and disposal by said shelter for sick, diseased, injured, illegally at large, lost, strayed or abandoned animals provided that no such services be extended by said shelter outside the city, except under written contract with the unit, person, association or corporation concerned and at a charge based upon the actual cost of such services, including overhead; provided that no such contract shall be effective except upon the approval of the city attorney or a duly designated associate, as to form and legality, the approval of the mayor, and the ratification by city council.

(8) To employ all personnel necessary for the efficient performance of the duties required of said shelter.

(9) To prepare and submit after review and comments of the Animal Control Commission to city council through the city controller, an annual budget, for its financing of its operations and performance of its duties.

(10) To submit to the mayor, and to the city council, no later than January 30 of each year, a report of its activities and operation for the prior year.

(11) To establish reasonable fees to be charged to persons reclaiming and adopting animals, and to collect such fees, such fees to be adopted only after approval by Director and submission to the mayor and city council for approval and adoption.

(12) To provide that all dogs and/or cats released for adoption shall be spayed or neutered and provisions made for a program to monitor said spay/neuter plan. (Ord. No. G-14-81, 9-22-81)

SECTION 3. Article III entitled "Animal Care Regulations" shall be amended as follows:

Section 6-4. ENUMERATED.

The following replaces the old language:

(10) CRUELTY: No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal except that reasonable force may be employed to drive off vicious or trespassing animals.

(19) VICIOUS ANIMALS PROHIBITED: No person shall own, keep, or harbor a vicious animal within the city of Fort Wayne; provided, this section shall not apply to animals under the control of a law enforcement or military agency. For the purpose of this chapter, an animal may be declared vicious by the Shelter Manager if the following facts or criteria are met:

(a) The animal, while running at large, has bitten a person or persons and the bite and attack was unprovoked, or that the animal exhibits vicious propensities in present or past conduct, including but not limited to conduct such that the animal (i) has bitten a person or persons in a consecutive twelve (12) month period three (3) times; or (ii) did bite or attack once causing wounds or injuries creating a potential danger to the health and life of the victim; or (iii) could not be controlled or restrained at the time of bite or attack to prevent the occurrence; and

(b) That in order to preserve the public health, safety, and welfare of the community the destruction of said animal is necessary.

Whenever an animal is declared vicious, the Shelter Manager shall notify the owner of said animal of the declaration. Such notice shall be served either in person or by certified or registered mail. The animal, if not already held in quarantine at the Department of Animal Control shall be surrendered to the Shelter Manager. Within ten (10) days from the date of receipt of such notification the owner must appeal the declaration to the Shelter Manager or said animal will be humanely destroyed by the Department of Animal Control at the owner's expense. The owner may also release the animal to the Shelter at any time during this ten (10) day period.

Any decision of the Shelter Manager under the provisions of these sections may be appealed to the Director who shall hear and render a decision in this matter. Such appeal by the owner to the Director shall be filed with the Shelter Manager within ten (10) days after receipt of notification from the Shelter Manager that said animal shall be destroyed. The disposition of any animal shall be stayed during the pendency of such appeal. The animal shall remain at the Department of Animal Control during the appeal process. The decision of the Director shall be final and binding upon the city and upon the appellant, and his decision may be appealed as provided by law. The Director shall review the information provided by both the Shelter Manager and the owner of said animal and render a decision to the effect that (1) the animal is not vicious, or (2) the animal is vicious and should be destroyed.

The owner of any animal which is impounded and destroyed under this section shall be held responsible for payment of any expenses incurred by the Shelter Manager for the impoundment and destruction, and failure to pay such fee to the Shelter Manager within fifteen (15) days after destruction of such animal shall constitute a violation of the chapter.

SECTION 4. Article IV entitled "Biting Animals" shall be amended as follows:

The following replaces the old language:

Section 6-6. BITING ANIMALS TO BE REPORTED: NOT TO BE DESTROYED; EXCEPTION.

(1) The person responsible for any animal which has bitten a person or another animal must report the incident to the Department of Animal Control. Upon receiving the report of a bite, the shelter will quarantine the animal for ten (10) days with the place of confinement to be in the discretion of the Department of Animal Control. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.

(2) During the quarantine period, the owner must provide a current rabies vaccination certificate for his or her cat or dog that is being quarantined. If proof of vaccination cannot be supplied, the animal will be

vaccinated by a veterinarian at the owner's expense before release.

(3) No person other than an animal control officer or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self-protection. If that occurs, the person will retain the body and immediately notify the Department of Animal Control. (Ord. No. G-14-81, 9-22-81)

SECTION 5. Article entitled "Registration and Permits" is hereby amended as follows:

Section 6-13. PET SHOP PERMIT.

The following replaces the old language in (3) and (6), respectively.

(3) The pet shop permit holder shall be further required to register with the Department of Animal Control the name, address, and telephone number of each buyer or new owner of any dog or cat transferred within five (5) days after the sale or transfer.

(6) No puppy or kitten under the age of eight (8) weeks may be offered for sale, trade or other compensation, or for free giveaway (except a puppy, or kitten or litter or litters taken to the Department of Animal Control (Ord. No. G-14-81, 9-22-81; Ord. No. G-21-83, Subsection 7, 7-26-83; Ord. No. S-208-85, Subsection 1, 11-12-85).

Section 6-16. ANIMAL CONTROL SHELTER;

ANIMAL WELFARE ORGANIZATION.

The following is the new Section 6-16:

SECTION 6-16. DEPARTMENT OF ANIMAL

CONTROL; ANIMAL WELFARE ORGANIZATION.

No permit shall be required, of the Department of Animal Control or animal welfare organization; however, all other provisions of this chapter shall apply. (Ord. No. G-14-81, 9-22-81)

SECTION 6. Article entitled "Registration and Permit Applications; Inspections; Fees" is amended as follows:

The following language replaces the old Sec. 6-17:

Section 6-17. APPLICATION; TERMS.

(1) Application for registrations or permits may be made at the Department of Animal Control or designated facility, or by mail, and shall include name, address of applicant, type of permit applied for, number and description of animal (s), number and description of animal (s), proof of rabies vaccination, information regarding sterilization and appropriate fee.

(2) Registration and permits are to be issued for a term of one year, commencing with the date of issuance.

(3) Upon issuance, Department of Animal Control shall issue a registration or permit in written form which includes number of registration or permit, type of registration or permit, and all pertinent information. In addition, the Department of Animal Control shall issue a durable tag stamped with registration number and year of issuance for each pertinent registration.

(4) The Department of Animal Control shall maintain records of the identifying registration/permit number.

(5) All fees shall be paid at time of application, and prior to the issuance of the permit or registration.

(6) It shall be unlawful for any owner of any dog or cat to fail to provide any dog or cat over the age of six (6) months with current pet registration as any dog or cat, which dog or cat is over the age of six (6) months, must also have in his possession a current rabies vaccination tag showing that such animal has been vaccinated against rabies as otherwise provided in section 6-1. No permit shall be issued unless proof of vaccination against rabies is shown at the time of application for the permit. Any owner of such animal who moves into the city for purposes of establishing a residence or residing or who becomes a resident as result of annexation shall have thirty (30) days in which to obtain the permit required by this chapter. (Ord. No. G-14-81, 9-22-81; Ord. No. G-21-83, 9-22-83)

The following language replaces old subsections 2, 3, 4, 6 and 7.

Section 6-19. FEES.

(2) KENNEL/CATTERY PERMIT:

4-15 dogs \$50.00

4-15 cats 50.00

16-25 dogs 75.00

16-25 cats 75.00

26 or more dogs 100.00

26 or more cats 100.00

Permit will be issued after inspection approved by the Department of Animal Control.

(3) GROOMING SHOP PERMIT:

Fee \$50.00

Permit will be issued after inspection approved by the Department of Animal Control.

(4) MAJOR BREEDER'S PERMIT:

Fee \$100.00

Plus any applicable kennel/cattery permit fee.

Permit will be issued after inspection approved by the Department of Animal Control provided all requirements of this chapter are met.

(6) PET SHOP PERMIT:

Fee \$100.00

Permit will be issued after inspection approved by the Department of Animal Control.

(7) CIRCUS, ANIMAL CONCESSION, AND ANIMAL EXHIBITS PERMITS:

(NEW b)

(b) Permit will be issued after inspection approved by the Department of Animal Control provided all requirements of this chapter are met.

The following language replaces old Section 6-20:

(1) Any person who is denied a permit or whose permit is revoked may appeal the denial or revocation to the Director within sixty (60) days of the date of the denial or revocation of the permit.

(2) All requests for appeals must be in writing and addressed to the Director; whereupon, the Director shall set the appeal for hearing within forty-five (45) days of the receipt of the written request. (Ord. No. G-14-81, 9-22-81)

SECTION 7. Article VII entitled "Penalties; Violations" is amended as follows:

(3) In the event that an animal is retained at the Department of Animal Control because its owner has been in violation of this chapter, the person redeeming the animal by paying the prescribed fees shall also be subject to paying for medical bills incurred for routine shot for animals at the Department.

(4) Violators, upon conviction, may be given the opportunity to work at the Department of Animal Control and/or participate in a humane education program if so recommended by the Court.

SECTION 8. Article VIII entitled "Impoundment; Redemption" the content of Section 6-22 is replaced by the following:

Section 6-22. GROUNDS FOR AND CONDITIONS OF IMPOUNDMENT.

(1) Animals found in cruel, abusive or neglectful situations as defined in this chapter or animals that have been abandoned may be promptly impounded if no immediate contact with a responsible person can be made; provided, however, that the animal control officer shall leave written notice saying the location of the animal and the reason for impoundment.

Animals so removed will be impounded and held at the Department of Animal Control or designated facility until such time violator is in compliance with this chapter; provided, however, that in no event shall this period exceed ten (10) days, at which time the animal shall become the property of the Department of Animal Control, unless an extension is necessary for the animal control officer to have ample time to prepare a court case if prosecutions is warranted. In the case of animals impounded for quarantine at the Department of Animal Control, the animal will become the property of the Department if not claimed by closing time of the Department on the eleventh (11) day of the quarantine.

(3) Animals impounded for reasons beyond the control of the owner, such as but not limited to house fire, death of owner, or arrest of the owner, will be held for ten (10) days during which time a reasonable effort will be made to contact the owner and/or their representative. After the tenth day of impoundment, the animals will become the property of the Department of Animal Control.

(5) Animals so removed may be transported to a licensed veterinarian for examination and/or treatment. If, in the opinion of said veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner/agent. (Ord. No. G-14-81, 9-22-81)

Section 6-23. REDEMPTION.

(1) A person may reclaim an animal in the custody of the Department of Animal Control upon providing the following:

(a) Proof of Ownership, and

(b) Payment of redemption fee and any other service/medical fees, as approved by the Director.

(2) Stray or at large animals will be held three (3) working days at the Department of Animal Control, pursuant to section 6-4 (4)

(3) Unclaimed animals become the property of the Department of Animal Control and may be placed for adoption of humanely euthanized, pursuant to section 6-3 (4).

SECTION 9. Article IX entitled "Monies" is amended as follows by replacing the old language:

Section 6-24. DISPOSITION OF MONIES. All monies generated or collected by virtue of the provisions of this chapter are to be set aside and placed in the general fund.

SECTION 10. Article X is entitled "Public Spay and Neuter Clinic" is amended by replacing the old (c) with the following:

Section 6-29. GENERALLY.

New (c):

(c) BOARD AND CARE CHARGE. The animal control commission shall establish a return date by which persons submitting animals for the above operation shall pick up said animals or be subject to a reasonable board and care fee to commence the day after such return date.

Failure to pick up an animal within seventy-two (72) hours of said return date shall be deemed abandonment of such animal and the shelter manager may dispose of it by placement or destruction. (Ord. No. G-19-82, Subsection 1, 8-24-82; Ord. No. G-06-86, Subsection 2, 2-11-86)

SECTION 11. Article XI entitled "Destruction of Animals" is amended as follows:

Section 6-45. SUBSTANCES PERMITTED FOR USE.

New language:

The Department of Animal Control, other animal shelters, and/or public animal facilities which destroy animals in the City of Fort Wayne, Indiana, shall use only sodium pentobarbital or a derivative substances for said purpose. (Ord. No. G-17-77, Subsection 1, 5-24-77; Ord. No. G-21-83, Subsection 10, 7-26-83)

Delete Section 6-48, Section 6-49, and Section 6-52.

Renumber: Section 6-50 now becomes Section 6-48; Section 6-53 now becomes Section 6-50.

SECTION 12. That this Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Councilmember
Donald J. Schmidt

Read the third time in full and on motion by Elsbart, seconded by Redd, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Nine
Bradbury, Burns, Elsbart, Gialanza, Henry, Redd, Schmidt, Stier, Talarico

NAYS: None
ABSTAINED: None
ABSENT: None
Date: 8-26-86

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as General Ordinance No. G-32-86 on the 26th day of August, 1986.

(SEAL)
Samuel J. Talarico
Presiding Officer

ATTEST:
Sandra E. Kennedy
City Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 27th day of August, 1986, at the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 27th day of August, 1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.
Mayor

I, the Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-32-86, passed by the Common Council on the 26th day of August, 1986, and that said Ordinance was duly signed and approved by the Mayor on the 27th day of August, 1986, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 27th day of August, 1986.

Seal
Sandra E. Kennedy, City Clerk

9-9-15

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

LEGAL NOTICE

Notice is hereby given that on the 26th day of August, 1986, the Common Council of the City of Fort Wayne, Indiana, in a Regular Session did pass the following: No. G-86-08-20 (as amended) (as amended) General Ordinance No. G-32-86 to-wit:

BILL NO. G-86-08-20 (amended) (amended) (amended)

GENERAL ORDINANCE NO. G-32-86 AN ORDINANCE of the Common Council of the City of Fort Wayne, Indiana, amending the Animal Control Ordinance of the City's Municipal Code.

WHEREAS, the City is desirous of amending its Animal Control Ordinance; and

WHEREAS, such amendments will be of a benefit and improvement to Animal Control in the City of Fort Wayne;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Article I of the Animal Control Ordinance entitled "Definitions" is hereby amended as follows:

Section 6-1. TERMS DEFINED.

The following definitions are added:

DEPARTMENT OF ANIMAL CONTROL/DEPARTMENT: The municipally owned facility established for the purpose of animal control, care and disposition, as set forth in this chapter, operated by and under the direct supervision of the Director of the Division of Public Safety and the Shelter Manager.

DIRECTOR: The Director of the Division of Public Safety for the City of Fort Wayne.

SHELTER MANAGER: The Shelter Manager for the Fort Wayne Department of Animal Control.

The following definition replaces the old:

ANIMAL CONTROL COMMISSION: The Animal Control Commission shall be an advisory commission with regard to policy and fiscal decisions affecting the Department of Animal Control.

The following definitions are to be deleted:

ANIMAL CONTROL SHELTER: The municipally owned facility established for the purpose of animal control, care and disposition, as set forth in this chapter, operated by and under the direct supervision of the Fort Wayne Animal Control Commission and the Executive Director of the Shelter.

VICIOUS ANIMAL: Any animal that has, without provocation, attacked a human being.

SECTION 2. Article II, presently entitled "Fort Wayne Animal Control Commission" shall be deleted and replaced by the following:

NEW: ARTICLE II. DIRECTOR OF THE DIVISION OF PUBLIC SAFETY/ANIMAL CONTROL COMMISSION.

Section 6-2. Organization.

(1) AUTHORITY: The Department of Animal Control shall be operated by the Director through the Shelter Manager.

(2) RELATIONSHIP: COMPOSITION; TERMS: The Director will be advised on matters of policy and fiscal decisions by a voting five (5) member board, so named the Fort Wayne Animal Control Commission. The commission members shall be appointed to serve a three-year term, terms to be staggered. No limit shall be set on numbers of terms a commissioner can serve, all members to serve without compensation.

(a) Three (3) of the commission members shall be appointed by the mayor. The two (2) remaining members of the commission shall be appointed by the city council.

(b) At the outset, the mayor shall appoint one (1) person to serve two (2) years, and one (1) person to serve three (3) years. The city council shall appoint one (1) person to serve two (2) years, and one (1) person to serve three (3) years.

(c) This selection shall not be based on political affiliations, but on interest in animal care and control and knowledge of same.

(2) ORGANIZATIONAL MEETING:

(a) The first meeting of the commission shall be convened by the Shelter Manager.

(b) The commission shall elect a chairman, vice-chairman, and a secretary from among its members.

(3) MEETINGS, RULES AND REGULATIONS: The commission shall meet at least once each month, or upon special call by the chairman, or upon the written request to the chairman by any three (3) members. It shall adopt rules and regulations as may be necessary or appropriate in its judgment to carry out the provisions of the ordinance and laws under which it exists and performs its functions.

(4) QUORUM: Three (3) members of the animal control commission shall constitute a quorum to do business.

(5) VACANCIES: In the case of a vacancy in office due to death, resignation, incapacity, removal or otherwise, the appointment to fill the vacancy so occurring shall be made by the original appointing body for the unexpired term only and shall be subject to the provisions stated in Section 6-2 (2). (Ord. No. G-14-81, 9-22-81)

Section 6-3. DUTIES AND POWERS/DIRECTOR. The duties and powers of the Director are as follows:

(1) To cause to be enforced all city ordinances and/or state laws regarding animal care and control.

(2) To maintain and operate the Department of Animal Control's shelter or shelters which have been designated for the humane sheltering or protection and disposition of animals coming into its custody.

(3) To purchase all necessary materials for the proper and efficient performance of the services and work required of the shelter, consistent with the city's duly established purchasing procedures.

(4) To cause to be picked up and transported to the Department of Animal Control all unwanted animals, all animals illegally at large, and all sick, diseased, injured, lost, strayed, stolen or abandoned animals. Those animals whose owners request may be promptly euthanized at said shelter. In addition, any animal which appears to be ill and would pose a health hazard to other animals, or any animal which is injured so that it cannot rest comfortably for a minimum of three (3) working days may be destroyed immediately as so authorized by the Shelter Manager or his/her authorized agent. All other animals shall be kept at said shelter or place designated by said shelter for a period of not less than three (3) working days to afford owners the opportunity to claim the animal. After such period of time, unclaimed animals shall be placed in a suitable home, retained at said shelter or euthanized. Animals

released to said shelter by their owners, or impounded animals not claimed within the legal time become the property of said shelter and disposition may be made at said shelter's discretion.

(5) To cause to be picked up and disposed of all dead animals found in or on any street or sidewalk, alley or other public place in the city.

(6) To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the city. To cause to be impounded at the Department of Animal Control or suitable places designated by the Department of Animal Control all animals found in conditions adverse to their health and safety. Such impoundment or placement shall be in accordance with the provisions of Article VIII, Section 6-22.

(7) To enter into contract with any municipalities or governmental units or any person, association or corporation for the collection, transportation, sheltering and disposal of said shelter for sick, diseased, injured, illegally at large, lost, strayed or abandoned animals provided that no such services be extended by said shelter outside the city, except under written contract with the unit, person, association or corporation concerned and at a charge based upon the actual cost of such services, including overhead; provided that no such contract shall be effective except upon the approval of the city attorney or a duly designated associate, as to form and legality, the approval of the mayor, and the ratification by city council.

(8) To employ all personnel necessary for the efficient performance of the duties required of said shelter.

(9) To prepare and submit after review and comments of the Animal Control Commission to city council through the city controller, an annual budget, for its financing of its operations and performance of its duties.

(10) To submit to the mayor, and to the city council, no later than January 30 of each year, a report of its activities and operation for the prior year.

(11) To establish reasonable fees to be charged to persons reclaiming and adopting animals, and to collect such fees, such fees to be adopted only after approval by Director and submission to the mayor and city council for approval and adoption.

(12) To provide that all dogs and/or cats released for adoption shall be spayed or neutered and provisions made for a program to monitor said spay/neuter plan. (Ord. No. G-14-81, 9-22-81)

SECTION 3. Article III entitled "Animal Care Regulations" shall be amended as follows:

Section 6-4. ENUMERATED.

The following replaces the old language.

(10) CRUELTY. No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal except that reasonable force may be employed to drive off vicious or trespassing animals.

(19) VICIOUS ANIMALS PROHIBITED. No person shall own, keep, or harbor a vicious animal within the city of Fort Wayne; provided, this section shall not apply to animals under the control of a law enforcement or military agency. For the purpose of this chapter, an animal may be declared vicious by the Shelter Manager if the following facts or criteria are met:

(a) The animal, while running at large, has bitten a person or persons and the bite and attack was unprovoked, or that the animal exhibits vicious propensities in present or past conduct, including but not limited to conduct such that the animal (i) has bitten a person or persons in a consecutive twelve (12) month period three (3) times; or (ii) did bite or attack once causing wounds or injuries creating a potential danger to the health and life of the victim; or (iii) could not be controlled or restrained at the time of bite or attack to prevent the occurrence; and

(b) That in order to preserve the public health, safety, and welfare of the community the destruction of said animal is necessary;

Whenever an animal is declared vicious, the Shelter Manager shall notify the owner of said animal of the declaration. Such notice shall be served either in person or by certified or registered mail. The animal, if not already held in quarantine at the Department of Animal Control shall be surrendered to the Shelter Manager. Within ten (10) days from the date of receipt of such notification the owner must appeal the declaration to the Shelter Manager or said animal will be humanely destroyed by the Department of Animal Control at the owner's expense. The owner may also release the animal to the Shelter at any time during this ten (10) day period.

Any decision of the Shelter Manager under the provisions of these sections may be appealed to the Director who shall hear and render a decision in this matter. Such appeal by the owner to the Director shall be filed with the Shelter Manager within ten (10) days after receipt of notification from the Shelter Manager that said animal shall be destroyed. The disposition of any animal shall be stayed during the pendency of such appeal. The animal shall remain at the Department of Animal Control during the appeal process. The decision of the Director shall be final and binding upon the city and upon the appellant, and his decision may be appealed as provided by law. The Director shall review the information provided by both the Shelter Manager and the owner of said animal and render a decision to the effect that (1) the animal is not vicious, or (2) the animal is vicious and should be destroyed.

The owner of any animal which is impounded and destroyed under this section shall be held responsible for payment of any expenses incurred by the Shelter Manager for the impoundment and destruction, and failure to pay such fee to the Shelter Manager within fifteen (15) days after destruction of such animal shall constitute a violation of the chapter.

SECTION 4. Article IV entitled "Biting Animals" shall be amended as follows:

The following replaces the old language:

Section 6-6. BITING ANIMALS TO BE REPORTED: NOT TO BE DESTROYED; EXCEPTION.

(1) The person responsible for any animal which has bitten a person or another animal must report the incident to the Department of Animal Control. Upon receiving the report of a bite, the shelter will quarantine the animal for ten (10) days with the place of confinement to be in the discretion of the Department of Animal Control. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.

(2) During the quarantine period, the owner must provide a current rabies vaccination certificate for his or her cat or dog that is being quarantined. If proof of vaccination cannot be supplied, the animal will be

vaccinated by a veterinarian at the owner's expense before release.

(3) No person other than an animal control officer or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self-protection. If that occurs, the person will retain the body and immediately notify the Department of Animal Control. (Ord. No. G-14-81, 9-22-81)

SECTION 5. Article entitled "Registration and Permits" is hereby amended as follows:

Section 6-13. PET SHOP PERMIT.

The following replaces the old language in (3) and (6), respectively.

(3) The pet shop permit holder shall be further required to register with the Department of Animal Control the name, address, and telephone number of each buyer or new owner of any dog or cat transferred within five (5) days after the sale or transfer.

(6) No puppy or kitten under the age of eight (8) weeks may be offered for sale, trade or other compensation, or for free giveaway (except a puppy, or kitten or litter or litters taken to the Department of Animal Control (Ord. No. G-14-81, 9-22-81; Ord. No. G-21-83, Subsection 7, 7-26-83; Ord. No. S-208-85, Subsection 1, 11-12-85).

Section 6-16. ANIMAL CONTROL SHELTER; ANIMAL WELFARE ORGANIZATION.

The following is the new Section 6-16:

SECTION 6-16. DEPARTMENT OF ANIMAL CONTROL; ANIMAL WELFARE ORGANIZATION.

No permit shall be required, of the Department of Animal Control or animal welfare organization; however, all other provisions of this chapter shall apply. (Ord. No. G-14-81, 9-22-81)

SECTION 6. Article entitled "Registration and Permit Applications; Inspections; Fees" is amended as follows:

The following language replaces the old Sec. 6-17:

Section 6-17. APPLICATION; TERMS.

(1) Application for registrations or permits may be made at the Department of Animal Control or designated facility, or by mail, and shall include name, address of applicant, type of permit applied for, number and description of animal (s), number and description of animal (s), proof of rabies vaccination, information regarding sterilization and appropriate fee.

(2) Registration and permits are to be issued for a term of one year, commencing with the date of issuance.

(3) Upon issuance, Department of Animal Control shall issue a registration or permit in written form which includes number of registration or permit, type of registration or permit, and all pertinent information. In addition, the Department of Animal Control shall issue a durable tag stamped with registration number and year of issuance for each pertinent registration.

(4) The Department of Animal Control shall maintain records of the identifying registration/permit number.

(5) All fees shall be paid at time of application, and prior to the issuance of the permit or registration.

(6) It shall be unlawful for any owner of any dog or cat to fail to provide any dog or cat over the age of six (6) months with current pet registration as any dog or cat, which dog or cat is over the age of six (6) months, must also have in his possession a current rabies vaccination tag showing that such animal has been vaccinated against rabies as otherwise provided in section 6-1. No permit shall be issued unless proof of vaccination against rabies is shown at the time of application for the permit. Any owner of such animal who moves into the city for purposes of establishing a residence or residing or who becomes a resident as result of annexation shall have thirty (30) days in which to obtain the permit required by this chapter. (Ord. No. G-14-81, 9-22-81; Ord. No. G-21-83, 9-22-83)

The following language replaces old subsections 2, 3, 4, 6 and 7.

Section 6-19. FEES.

(2) KENNEL/CATTERY PERMIT:

4-15 dogs \$50.00

4-15 cats \$50.00

16-25 dogs \$75.00

16-25 cats \$75.00

26 or more dogs \$100.00

26 or more cats \$100.00

Permit will be issued after inspection approved by the Department of Animal Control.

(3) GROOMING SHOP PERMIT:

Fee \$50.00

Permit will be issued after inspection approved by the Department of Animal Control.

(4) MAJOR BREEDER'S PERMIT:

Fee \$100.00

Plus any applicable kennel/cattery permit fee.

Permit will be issued after inspection approved by the Department of Animal Control provided all requirements of this chapter are met.

(6) PET SHOP PERMIT:

Fee \$100.00

Permit will be issued after inspection approved by the Department of Animal Control.

(7) CIRCUS, ANIMAL CONCESSION, AND ANIMAL EXHIBITS PERMITS:

(NEW) (b)

(b) Permit will be issued after inspection approved by the Department of Animal Control provided all requirements of this chapter are met.

The following language replaces old Section 6-20:

(1) Any person who is denied a permit or whose permit is revoked may appeal the denial or revocation to the Director within sixty (60) days of the date of the denial or revocation of the permit.

(2) All requests for appeals must be in writing and addressed to the Director; whereupon, the Director shall set the appeal for hearing within forty-five (45) days of the receipt of the written request. (Ord. No. G-14-81, 9-22-81)

SECTION 7. Article VII entitled "Penalties; Violations" is amended as follows:

(3) In the event that an animal is retained at the Department of Animal Control because its owner has been in violation of this chapter, the person redeeming the animal by paying the prescribed fees shall also be subject to paying for medical bills incurred for routine shot for animals at the Department.

(4) Violators, upon conviction, may be given the opportunity to work at the Department of Animal Control and/or participate in a humane education program if so recommended by the Court.

SECTION 8. Article VIII entitled "Impoundment; Redemption" the content of Section 6-22 is replaced by the following:

Section 6-22. GROUNDS FOR AND CONDITIONS OF IMPOUNDMENT.

(1) Animals found in cruel, abusive or neglectful situations as defined in this chapter or animals that have been abandoned may be promptly impounded no immediate contact with a responsible person can be made; provided, however, that the animal control officer shall leave written notice saying the location of the animal and the reason for impoundment.

Animals so removed will be impounded and held at the Department of Animal Control or designated facility until such time violator is in compliance with this chapter; provided, however, that in no event shall this period exceed ten (10) days, at which time the animal shall become the property of the Department of Animal Control, unless an extension is necessary the animal control officer to have ample time to prepare a court case if prosecutions are warranted. In the case of animals impounded for quarantine at the Department of Animal Control, the animal will become the property of the Department if not claimed, closing time of the Department on the eleventh (11) day of the quarantine.

(3) Animals impounded for reasons beyond the control of the owner, such as but not limited to house fire, death of owner, or arrest of the owner, will be held for ten (10) days during which time a reasonable effort will be made to contact the owner and/or their representative. After the tenth day of impoundment the animals will become the property of the Department of Animal Control.

(5) Animals so removed may be transported to a licensed veterinarian for examination and/or treatment. If, in the opinion of said veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner/agent. (Ord. No. G-14-81, 9-22-81)

Section 6-23. REDEMPTION.

(1) A person may reclaim an animal in the custody of the Department of Animal Control upon providing the following:

(a) Proof of Ownership, and

(b) Payment of redemption fee and any other service/medical fees, as approved by the Director.

(2) Stray or at large animals will be held three (3) working days at the Department of Animal Control pursuant to section 6-4 (4).

(3) Unclaimed animals become the property of the Department of Animal Control and may be placed for adoption of humanely euthanized, pursuant to section 6-3 (4).

SECTION 9. Article IX entitled "Monies" is amended as follows by replacing the old language:

Section 6-24. DISPOSITION OF MONIES.

Monies generated or collected by virtue of the provisions of this chapter are to be set aside and placed in the general fund.

SECTION 10. Article X 1/2 entitled "Public Spay and Neuter Clinic" is amended by replacing the old (c) with the following:

Section 6-29. GENERALLY.

New (C):

(c) BOARD AND CARE CHARGE. The animal control commission shall establish a return date by which persons submitting animals for the above operation shall pick up said animals or be subject to reasonable board and care fees to commence the day after such return date.

Failure to pick up an animal within seventy-two (72) hours of said return date shall be deemed abandonment of such animal and the shelter manager may dispose of it by placement or destruction. (Ord. No. G-19-82, Subsection 1, 8-24-82; Ord. No. G-06-86, Subsection 2, 2-11-86)

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Delete Section 6-48, Section 6-49, and Section 6-52.

Renumber: Section 6-50 now becomes Section 6-48; Section 6-53 now becomes Section 6-50.

SECTION 12. That this Ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

Councilmember

Donald J. Schmidt

Read the third time in full and on motion by Eisbart

seconded by Redd, and duly adopted, placed on its

passage. PASSED by the following vote:

AYES: Nine

Bradbury, Burns, Eisbart, Glaz, Quintana, Henry, Redd,

Schmidt, Stier, Talarico

NAYS: None

ABSTAINED: None

DATE: 8-26-86

Sandra E. Kennedy

City Clerk

Passed and adopted by the Common Council of the

City of Fort Wayne, Indiana, as General Ordinance No.

G-32-86 on the 26th day of August, 1986.

(SEAL)

Samuel J. Talarico

Presiding Officer

ATTEST:

Sandra E. Kennedy

City Clerk

Presented by me to the Mayor of the City of Fort

Wayne, Indiana, on the 27th day of August, 1986, at

the hour of 11:00 o'clock A.M., E.S.T.

Sandra E. Kennedy

City Clerk

Approved and signed by me this 27th day of August,

1986, at the hour of 2:00 o'clock P.M., E.S.T.

Win Moses, Jr.

Mayor

I, the Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above and foregoing is a full, true and complete copy of General Ordinance No. G-32-86, passed by the Common Council on the 26th day of August, 1986, and that said Ordinance was duly signed and approved by the Mayor on the 27th day of August, 1986, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 27th day of August, 1986.

Seal

Sandra E. Kennedy, City Clerk

9-9-15